

Serial No. 09/748,057
Atty Dkt: 00-4006

REMARKS

Claims 1-27 are pending. Claims 1-27 are rejected. Claims 1, 2, 4, 7-13, 15-19, 21 and 23-27 are amended. Claims 5, 6 and 14 are cancelled, without prejudice. This Response is filed in reply to the Office Action dated March 12, 2004.

Amendments to the claims are not an acquiescence to any of the rejections. Furthermore, silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicant considers allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claim(s), but rather a recognition by Applicant that such previously lodged rejection is moot based on Applicant's remarks and/or amendments relative to the independent claims (that Applicant considers allowable) from which the dependent claim(s) depends. Applicant reserves the option to further prosecute the same or similar claims in the instant or a subsequent application. Upon entry of the Amendment, claims 1-4, 7-13 and 15-27 are pending in the present application.

The issues of the subject Office Action are presented below with reference to paragraph markings of the Office Action:

With regard to the Office Action, paragraph entitled "Claim Objections:" The Examiner objected to claim 5 under 37 C.F.R. 1.75 as being a substantial duplicate of claim 1. Claim 5 is cancelled, without prejudice.

With regard to the Office Action, paragraphs entitled "Claim Rejections - 35 U.S.C. §102:" The Examiner rejected claims 1-5 and 14 under 35 U.S.C. §102(e) as being anticipated by Bowman-Amuah, U.S. Patent Ser. No. 6,606,660 (referred to hereinafter as Bowman). The Examiner rejected claims 1, 6, 7 and 15-17 under 35 U.S.C. §102(e) as being anticipated by Drosset et al., U.S. Patent Ser. No. 6,662,231 (referred to hereinafter as Drosset). The Examiner rejected claims 1, 6, 9-13, 18-20 and 22-27 under 35 U.S.C. §102(e) as being anticipated by Pezzillo et al., U.S. Patent Ser. No. 6,434,621 (referred to hereinafter as Pezzillo).

FHBoston/1047217.2

-7-

Serial No. 09/748,057
Atty Dkt: 00-4006

With regard to the Office Action, paragraphs entitled "Claim Rejections - 35 U.S.C. §103:" The Examiner rejected claims 8 and 21 under 35 U.S.C. §103(a) as being unpatentable over Pezzillo.

Applicant traverses the Examiner's rejections under 35 U.S.C. §102(e) and 35 U.S.C. §103(a), and respectfully requests reconsideration in view of the amendments and remarks.

Bowman describes a stream-based communication system and method, where a message to be sent from a sending system in a shared format is first translated to a stream-based format and then sent to a receiving system. When received at the receiving system, the stream-based message is translated to the shared format. As recognized by the Examiner, Bowman does not teach or suggest *a play list identifying content for streaming delivery to a network receiver associated with a user and modifying the play list associated with the identified user to include a reference to the remote network node content*, as presented in Applicant's claim 1. Further, the system and method described by Bowman is a communication system and method and does not provide for a play list of streaming content, as provided by Applicant's network server, such as would be provided by an Internet radio or TV station. As such, Bowman does not teach or suggest a play list of streaming content.

Applicant recites a streaming content method and system wherein a network server streams content to users of the system, in accordance with play lists associated with each user. In addition, the network server can receive content and information from a remote node using a remote node interface, wherein the information can identify a user of the streaming content system. The play list associated with the identified user can be modified to include the remote network node content. The Examiner indicated that Bowman describes receiving information from a remote node, including content and user identification at column 273, with reference to FIG. 152. However, a careful reading of Bowman indicates that Bowman provides a user context for maintaining a security profile of the user (col. 273, lines 15-17). Thus, at step 15210, a request is received from the

FHBoston/1047217.2

Serial No. 09/748,057

Atty Dkt: 00-4006

user to invoke a service on one or more components. Information about the user in the user context is compared to an access control list to verify that the user has access to the components (steps 15214, 15216). Bowman, at FIG. 152 and at column 273, does not teach or suggest receiving content and identification of a user from a remote network node. As described with relation to FIG. 152, maintaining the security profile, receiving a request from a user, and comparing the user information in the user context with an access control list for a component or service does not involve receiving information from a remote network node, and particularly, does not involve receiving content and user identification from a remote node, as recited in Applicant's independent claim 1.

Since Bowman does not teach or suggest receiving content and user identification information from a remote network node, Bowman does not teach or suggest *providing remote network node interface instructions for submitting remote network node content, transmitting the remote network node interface instructions to a remote network node, and receiving information from the remote network node via the transmitted interface instructions*, as presented in Applicant's claim 1. As the Examiner did not cite either Drosset or Pezzillo against claim 14, the Examiner would appear to recognize that neither Drosset nor Pezzillo teach or suggest *providing remote network node interface instructions for submitting remote network node content, transmitting the remote network node interface instructions to a remote network node, and receiving information from the remote network node via the transmitted interface instructions*, as recited in Applicant's independent claim 1.

Drosset describes a method and system for providing audio service to a client through a communication network. A user requesting service is validated by the server and the user can request streaming of audio files or play lists from the server. The user can maintain and modify the play lists and send play lists to other users. However, the sending of play lists from one user to another does not result in modifying the play list of the user receiving the play list. Drosset only provides that the users can modify their own play lists. Drosset is silent on modifying a user's play list based on receiving content from a remote network node. By requiring a user to be validated for accessing the server,

FHBoston/1047217.2

Serial No. 09/748,057
Atty Dkt: 00-4006

Drosset teaches away from the server modifying the user's play list based on information received from a remote node. Further, the play lists do not include content, but rather are an index to the content such that the server reads the play lists to obtain the referenced audio files, or content, from memory system storage. Thus, Drosset does not teach or suggest a *remote network node sending remote network node content and user information for modifying a play list of the user to include a reference to the remote network node content*, as presented in Applicant's independent claim 1 and independent claim 15.

Pezzillo describes a system for enabling Internet or intranet broadcasting that offers audio and webcast automation. The webcaster or service provider can cause streaming of content to a network receiver identified with a user. When the listener accesses the system, the webcaster can add content, e.g., advertising, to the play list that the listener receives. Pezzillo is silent with regard to a *remote network node interface for receiving input from a remote network node that identifies remote network node content and identifies a user* or listener to receive streaming delivery of the content, as presented in Applicant's independent claims 1, 18 and 24. In Pezzillo, the webcaster, or server providing the streaming content modifies the play list according to the webcaster's input through the webcaster's interface. Thus, Pezzillo teaches away from a *remote network node interface for inputting remote network node content and user information for modifying an identified user's play list to include a reference to the remote network node content*, as presented in Applicant's claims 1 and 18. Thus, Pezzillo does not teach or suggest a *remote network node sending remote network node content and user information for modifying a play list of the user to include a reference to the remote network node content*, as recited in Applicant's claims 1 and 18. Nor does Pezzillo teach or suggest a *remote network node interface for receiving content and user information from the remote network node*, as presented in Applicant's independent claim 24.

Based on the distinctions described herein between the cited references and Applicant's independent claims, Applicant respectfully suggests that Bowman, Drosset and/or Pezzillo do not anticipate Applicant's method for use by a network server that

FHBoston/1047217.2

Serial No. 09/748,057
Atty Dkt: 00-4006

streams content over a network to a network receiver, as recited in Applicant's independent claim 1. Reconsideration of the rejection of independent claim 1 under 35 U.S.C. 102(e) as being anticipated by Bowman, Drosset and/or Pezzillo and allowance of independent claim 1 is respectfully requested. Claims 2-4 and 7-13 depend from independent claim 1 and are deemed allowable at least by dependency.

In addition, for similar reasons to those presented above, Applicant respectfully suggests that Drosset does not anticipate Applicant's system for use by a network server that streams content over a network to a network receiver, as recited in Applicant's independent claim 15. Reconsideration of the rejection of independent claim 15 under 35 U.S.C. 102(e) as being anticipated by Drosset and allowance of claim 15 is respectfully requested. Claims 16 and 17 depend from independent claim 15 and are deemed allowable at least by dependency.

Further, for similar reasons to those presented above, Applicant respectfully suggests that Pezzillo does not anticipate Applicant's computer program for use by a network server that streams content over a network, as recited in Applicant's independent claim 18, and Pezzillo does not teach or suggest Applicant's graphical user interface, as recited in Applicant's independent claim 24. Reconsideration of the rejection of independent claims 18 and 24 under 35 U.S.C. 102(e) as being anticipated by Pezzillo and allowance of claims 18 and 24 is respectfully requested. Claims 19-23 and 24-27 depend respectively from independent claims 18 and 24 and are deemed allowable at least by dependency.

Applicants thus traverse the Examiner's rejections of all claims, and consider the pending claims to be allowable.

The remarks herein should in no way be construed to be an acquiescence to any of the rejections. The remarks herein are being made solely to expedite the prosecution of the above-identified application. Applicant reserves the option to further prosecute the same or similar claims in the instant or subsequent patent applications.

FHBoston/1047217.2

-11-


Serial No. 09/748,057
Atty Dkt: 00-4006

CONCLUSION

Based on the above amendments and remarks, it is respectfully submitted that the claims and thus this application are in condition for allowance. Accordingly, allowance is requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicant's attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

Respectfully submitted,

Date: June 14, 2004



Joel Wall
Attorney for Applicant
Registration No. 25,648

Verizon Corporate Services Group Inc.
c/o Christian Andersen
600 Hidden Ridge, HQE03H14
Irving, TX 75038
Tel: (972) 718-4800
CUSTOMER NO. 32127

FHBoston/1047217.2